

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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INDIAN HARBOR INSURANCE COMPANY,	: Case No. 12 CIV 5787 (JGK)
	: ECF Case
	:
Plaintiff,	: INDIAN HARBOR INSURANCE
	: COMPANY'S NOTICE OF MOTION
-against-	: AND MOTION TO ENJOIN
	:
THE CITY OF SAN DIEGO,	:
	: Courtroom: 12B
	: Judge: Hon. John G. Koeltl
Defendant.	:
	: Complaint Filed: July 27, 2012
	: F.A.C. Filed: August 14, 2012
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TO THE CITY OF SAN DIEGO, ITS COUNSEL, AND THE COURT:

PLEASE TAKE NOTICE that plaintiff Indian Harbor Insurance Company hereby moves this Court for an order enjoining the City of San Diego from proceeding with a second-filed lawsuit in the United States District Court for the Southern District of California, which case involves the same parties as this case, the same issues, and was filed almost two months after this litigation.

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This motion is based on this Motion, the Memorandum of Law, the Declaration of Jessica A. Bohl, the Declaration of J. Robert McMahon, all served concurrently herewith, and on all papers and pleadings on file herein.

Dated: October 26, 2012

DUANE MORRIS LLP

Attorneys for Plaintiff Indian Harbor Insurance
Company

By: /s/ Jessica A. Bohl

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